

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 05-cr-10226-RWZ
)	
SAMNANG AM,)	
Defendant.)	
)	

JOINT FINAL STATUS REPORT

The United States of America and the defendant, Samnang Am, by their respective undersigned counsel, submit this joint status report pursuant to Local Rule 116.5(C).

1. Local Rule 116.5(C)(1) – Outstanding Discovery Issues

There are no outstanding discovery issues at this time.

2. Local Rule 116.5(C)(2) – Additional Discovery

The government states that all Rule 16 and automatic discovery materials have been provided to defendant's counsel or made available for counsel's review. The government is aware of its continuing discovery obligation and will produce any further discovery to which the defendant is entitled immediately upon receipt thereof.

3. Local Rule 116.5(C)(3) – Insanity or Public Authority Defense

The defendant does not anticipate raising either of these defenses.

4. Local Rule 116.5(C)(4) – Government Request for Notice of Alibi

In its automatic discovery letter dated October 17, 2005, the government requested written notice of any intention to offer a defense of alibi for the crime charged in the indictment. The defendant does not anticipate raising a defense of alibi.

5. Local Rule 116.5(C)(5) – Motions

Defendant intends to file a motion to suppress evidence and statements obtained as a result of his arrest on May 26, 2005. The defendant reserves the right to file a motion to dismiss the indictment. The parties therefore request this Honorable Court to set a briefing schedule and return the case to the District Judge for any necessary suppression hearing.

Defendant requests until July 13 to file motions to suppress and the motion to dismiss the indictment. The government requests three weeks to prepare and file responses to those motions. The parties jointly request that the time from the Final Status Conference on June 6, 2006, until the filing of the government's responses to Defendant's motions be excluded for purposes of the Speedy Trial Act.

6. Local Rule 116.5(C)(6) – Scheduling Issues

See Paragraph 5 above.

7. Local Rule 116.5(C)(7) – Early Resolution of Case

The parties believe that it is too early to tell whether a trial will be needed in this matter.

8. Local Rule 116.5(C)(8) – Speedy Trial Act

The parties have conferred on the periods excludable from all Speedy Trial Act calculations and agree that the following periods are excludable:

9/22/05	Initial Appearance/Arraignment
9/22/06 – 10/6/06	Excluded per Order (Swartwood, J.) dated 9/22/06
10/6/06 – 12/13/06	Excluded per Order (Swartwood, J.) dated 11/4/06
12/13/06 - 1/13/06	Excluded per Order (Swartwood, J.) dated 12/19/06
1/13/06 – 3/6/06	Excluded per Order (Swartwood, J.) dated 1/27/06

3/6/06 – 3/30/06	Excluded per 18 U.S.C. § 3161(h)(1)(F) and Order (Hillman, J.) dated 3/6/06
3/30/06 - 4/14/06	Excluded per 18 U.S.C. § 3161(h)(1)(F) and Order (Hillman, J.) dated 3/28/06
4/14/06 – 5/15/06	Excluded per Order (Hillman, J.) dated 4/18/06
5/15/06 – 6/6/06	Excluded per Order (Hillman, J.) dated 5/18/06
6/6/06 – Filing of Responses to Motion to Suppress and to Dismiss	Excluded per agreement of parties (see above) and per 18 U.S.C. § 3161(h)(1)(F)

As of the Final Status Conference on June 6, 2006, 0 days will have been counted and 70 days will remain under the Speedy Trial Act.

9. Local Rule 116.5(C)(9) – Anticipated Trial

The parties anticipate that a trial of this matter would last approximately one (1) week.

Respectfully submitted,

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